

Article - Environment

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§16–304.

Notwithstanding any regulation adopted by the Secretary to protect private wetlands, the following uses are lawful on private wetlands:

- (1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife;
- (2) Trapping, hunting, fishing, and catching shellfish, if otherwise legally permitted;
- (3) Exercise of riparian rights to improve land bounding on navigable water, to preserve access to the navigable water, or to protect the shore against erosion;
- (4) Reclamation of fast land owned by a natural person and lost during the person's ownership of the land by erosion or avulsion to the extent of provable preexisting boundaries. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the land;
- (5) Routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment; and
- (6) Installing a pump, a pipe, or any other equipment attached to a pier for the cultivation of shellfish seed in a shellfish nursery under a permit issued by the Department of Natural Resources under § 4–11A–23 of the Natural Resources Article, provided that the pump, pipe, or other equipment does not require increasing the length, width, or channelward encroachment of the pier.

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